

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

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U.S. DISTRICT COURT  
99 OCT 15 PM 4:46

IN RE NORPLANT CONTRACEPTIVE §  
PRODUCTS LIABILITY LITIGATION §  
§

TX EASTERN-BEAUMONT  
MDL No. 1038  
ALL CASES  
BY *Beverly Arelbaugh*

ORDER MODIFYING SEPTEMBER 23, 1999, ORDER

On October 13, 1999, a telephonic conference was convened on the record with representatives of the Plaintiffs' Steering Committee ("PSC") and counsel for Defendants to discuss recent developments in this action that affect the court's order of September 23, 1999. It was brought to the court's attention that the Provost★Umphrey law firm has now elected to recommend settlement to its clients and, thus, will not be filing responses to Defendants' pending motions for partial summary judgment. Because the court anticipates granting the forthcoming motion to relieve the PSC of its obligation to respond to pending motions on behalf of all plaintiffs and to relieve its current members of all other official duties, all non-settling plaintiffs are cautioned not to rely on the filing of responses to pending motions by any other plaintiff or party.

Non-settling plaintiffs are also reminded that responses to each of Defendants' pending motions for partial summary judgment other than the motion based on the learned intermediary doctrine must be filed no later than November 30, 1999, as indicated in the court's September 23 Order. The deadline for filing a response to Defendants' "Motion for Partial Summary Judgment RE: The Learned Intermediary Doctrine" is December 15, 1999. Copies of Defendants' four motions for partial summary judgment together with their accompanying memoranda may be obtained from counsel for Defendants, Lane Heard, the District Clerk's Office, or from the web site of the Eastern District of Texas ([www.txed.uscourts.gov](http://www.txed.uscourts.gov)).

SIGNED this the 15<sup>th</sup> day of October, 1999.

*Richard A. Schell*  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE